

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

**DECLARATION OF QI (PETER) TONG IN SUPPORT OF PLAINTIFF VIRTAMOVE,
CORP.'S NOTICE OF SUPPLEMENTAL AUTHORITY AND DEVELOPMENTS**

I, Qi (Peter) Tong, declare and state as follows:

1. I am a member of the State Bar of Texas and an attorney at the firm of Russ August & Kabat, counsel of record for Plaintiff VirtaMove, Corp. in the above-captioned action. I submit this declaration in support of Plaintiff's Partial Motion to Dismiss. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. Attached as Exhibit A is a true and correct copy of *In re SAP Am., Inc.*, 133 F.4th 1370 (Fed. Cir. Apr. 10, 2025) that I downloaded from Westlaw.

3. Attached as Exhibit B is a true and correct copy of Judge Gilliland's Order Granting Defendant Google LLC's Motion to Transfer Venue, Dkt. 86 from *VirtaMove Corp. v. Google LLC*, No. 7:24-cv-00033-DC-DTG (W.D. Tex.).

4. Attached as Exhibit C is a true and correct ECF docket report from *VirtaMove Corp.* v. *Google LLC*, No. 7:24-cv-00033-DC-DTG (W.D. Tex.), retrieved on May 2, 2025.

5. Attached as Exhibit D is a true and correct ECF docket report from *VirtaMove Corp.*
v. Google LLC, No. 5:25-cv-00860-NW (N.D. Cal.), retrieved on May 2, 2025.

6. Attached as Exhibit E is a true and correct copy of the Northern District of California Civil Local Rules that I downloaded from https://cand.uscourts.gov/wp-content/uploads/CAND_Civil_Local_Rules_04_25.pdf.

7. Attached as Exhibit F is a true and correct copy of an email chain related to the case *VirtaMove Corp. v. Google LLC*, No. 5:25-cv-00860-NW (N.D. Cal.).

8. I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Executed on May 8, 2025 in Dallas, Texas.

/s/ *Qi (Peter) Tong*
Qi (Peter) Tong
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